

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**LADARION HUGHES, ANGELA  
ALONZO, and DEMARCUS LIVELY,**

*Plaintiffs,*

**v.**

**SMITH COUNTY, TEXAS,**

*Defendant.*

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**Civil Action No. 6:23-cv-344**

**JOINT PROPOSED SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16(b) and the Eastern District of Texas Local Rules (except as modified herein), the Court, having considered the status report submitted by the parties, finds that the following schedule should govern the disposition of this case:

<b>45 days after the Court rules on the motion to certify class, if no party appeals the Court's decision as to class certification</b>	<b>Dispositive Motions due from all parties.</b>  Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
<b>October 24, 2024</b>	<b>Plaintiffs' Class Certification Motion Due</b>
<b>September 24, 2024</b>	<b>Expert Discovery Deadline</b>
<b>August 24, 2024</b>	<b>Responsive Expert Report(s) Due</b>
<b>July 24, 2024</b>	<b>Expert Report(s) for Party Bearing Burden of Proof</b>
<b>June 24, 2024</b>	<b>Fact discovery cut-off</b>
<b>January 24, 2024</b>	<b>Deadline to Amend Pleadings</b>

If any of these dates fall on a weekend or Court holiday, the deadline is modified to be the next Court business day. Also note that all deadlines in this order are for **filing** or **delivery**, **not mailing** dates.

Unless otherwise ordered or specified herein, all limitations and requirements of the Federal Rules of Civil Procedure and the local rules of this Court must be observed.

## **I. MODIFICATION OF SCHEDULING ORDER**

As addressed above, this Order shall control the disposition of this case unless it is modified by the Court upon a showing of **good cause** and by leave of court. Fed. R. Civ. P. 16(b)(4). Any request that the trial date of this case be modified must be made (a) **in writing** to the Court, (b) **before** the deadline for completion of discovery.

## **II. DISCOVERY DISPUTES**

Before filing a motion to compel, a motion to quash, or a motion for protection from discovery, lead counsel for each party must confer in good faith concerning the disputes. If the dispute is not resolved by conferring in good faith, then a party may file an appropriate motion. Any such motion should include a certification by counsel describing the steps taken to comply with this paragraph.

## **III. ELECTRONIC DISCOVERY**

In cases involving disputes over extensive electronic discovery, counsel for both sides shall review the court's [Model] Order Regarding E-Discovery in Patent Cases before contacting the Hotline or filing motions to compel or to quash. The order can be modified for use in any case in which electronic discovery is an issue, and any ruling of the court on conduct of electronic discovery will likely be based, at least in part, on that model order. *See* ED Texas Website under Quick Links / Forms / Patent Forms / Order Regarding E-Discovery in Patent Cases.

## **IV. RESOURCES**

The Eastern District of Texas website ([www.txed.uscourts.gov](http://www.txed.uscourts.gov)) contains information about Electronic filing, which is mandatory, Local Rules, telephone numbers, general orders, frequently requested cases, the Eastern District fee schedule, and other information.

## **V. COMPLIANCE**

A party is not excused from the requirements of this scheduling order by virtue of the fact that dispositive motions are pending, the party has not completed its investigation, the party challenges the sufficiency of the opposing party's disclosure, or because another party has failed to comply with this Order or the rules.

Failure to comply with relevant provisions of the Local Rules, the Federal Rules of Civil Procedure, or this Order may result in the exclusion of evidence at trial, the imposition of sanctions by the court, or both. If a fellow member of the Bar makes a just request for cooperation or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.

However, the court is not bound to accept agreements of counsel to extend deadlines imposed by rule or court order. *See* Local Rule AT-3(j).

## **VI. INQUIRIES**

Questions relating to this scheduling order or legal matters should be presented in a motion, as appropriate. For questions regarding electronic notice or electronic case files, please see the ECF FAQs on the Eastern District of Texas website.

DATE:

SO ORDERED:

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HON. JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE